IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1623 OF 2007

Smt. Lajwanti Bacharam Mulchandani
and Ors. ...Petitioners

Versus

Bhagwantsingh Prakash Chandra
Kapoor and Or. ....Respondents

M.M.Sathaye Adv. for the petitioners.
None present for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

18th December, 2007.

P.C. :

1. There was an order passed below Exhibit- 32, 35 and 43 in Regular Darkhast No.22 of 2003 on 6.2.2007. The operative order reads thus :-

> ". 1. Police Inspector of Police Station, Nashik Road be directed to render police aid to the DH for doing agricultural operations like to prepare and sow the suit land Gat No.177 situated at village Samanga Tal and District.Nashik on depositing necessary charges. Applications Exh.32 and 43 are disposed off accordingly.
>
> 2. Application Exh.35 is disturbed. "

2. It is this order which is subject matter of challenge before me by the petitioners, who claim to be the original third party purchasers.

3. Their grievance is that insofar as the execution proceedings are concerned, the same are between the decree holders and the judgment debtors. The learned Judge has failed to apply his mind before passing a drastic order and affecting the rights of the petitioners who claim to be the third party purchasers.

4. Although, respondents have been served none appears on their behalf. This court had granted a stay of the impugned order on 16.4.2007 which continued till the Writ Petition was dismissed for default on 12.10.2007.

5. Even today, despite notice none appears for the respondents.

6. In such circumstances, without entering into any larger controversy, interest of justice would be subserved,if the order under challenge is set aside with liberty to the respondents to file an appropriate application for execution and implementation of the decree passed in favour of the first respondent. Petition disposed off. No costs.

sd/-

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